

Newfields Planning Board Meeting

June 19, 2008

Attendance: William Meserve, Mike Price, Mike Woodworth and John Hayden (Alternate)

The meeting was called to order at 7:00pm.

The Board introduced itself to the audience and the Town Planner. John Hayden discussion was postponed to the end of the meeting.

Pawlak-Lot line adjustment

Letter from Fran Lane was reviewed. Berry reviewed the content of the letter and highlighted the issue of the applicant's being represented by Attorney Tanguay at the McNeil firm and not Malcolm McNeil himself. The concern over the deed restriction was reviewed. The nature of the restriction regarding subdivision and future dwelling. Attorney Lane's comments were that Lot Line Adjustments were ok but Mr. Tanguay was concerned about the restrictions on the plan. Reduced copies were handed out and a note was reviewed with Berry who read the note: "References made to conditions specified in recorded deeds..." which references the deeds for the two parcels and the state subdivision approval number.

Hayden questions and Price confirms concern about reference not being clear enough on the nature of the restrictions. Berry communicated that Tanguay was concerned about the note expanding the nature of the restriction. Price disagreed and inquired about just restating the condition as written in the deed. Such a statement would be the exact language of the deed and could not expand what was already there. Berry was concerned regarding differences of opinion on nature of restriction. Disagreement continued. Board wants Atty. Lane to review since both Board and Atty. Lane recommended the restriction be on the plan. Meserve requested the exact language to be added to the plan and read the condition into the record from the deed language and Lane's opinion letter. The Board concurred that without the restriction the plan must be reviewed and approved by the Attorney for the Board. Hayden concurred with Meserve.

Motion: Hayden moved to continue to the July hearing of the Planning Board.

Second: Price

Vote: All in favor

Price inquired as to any other outstanding issues on the plan. The Board was unable to find any other concerns. Price was wondering if Mylar could be signed outside meeting rather than wait until next meeting. Berry inquired as to protocol, Mitchell restated the issue as to the language of the note. Meserve stated that if the Attorneys are happy the Board is happy.

Vienneau representatives were not present in entirety. Ring, for the applicant, requested to be heard later in the evening upon arrival of other parties. Meserve stated that would be fine.

Long Bow Realty Trust-Subdivision & Dunkin Donuts

Meserve opened hearing on Longbow and requested a status update. Subdivision status was reviewed. The subdivision was approved in late 2007. Garvey, for the applicant, presented plan sets and drawings for the audience. Garvey started with the discussion describing the site. Meserve requested update on the Mylar for signature. Garvey stated it will be ready for end of month – DOT letter in file, DES letter due on Monday. Package for Site Plan is updated with splash plan. New plans were delivered and handed out to the Board. Lighting on plan was described and light at end of road. Pole lights were shown and wall packs as well. Cut sheets were handed out for all fixtures. Pole light at end was reviewed. Question raised on light and cistern at end of road and timing of construction. Garvey stated that light and cistern would be installed with the road. Snow storage was reviewed and added to the plan. New set of small plans were provided showing the location – the small plan was accepted into the record and file. Sheet drainage off parking lot into the swale was reviewed and the course of drainage was reviewed into the roadside drainage.

Wetland application was reviewed for well construction and pipe line for water service. Permit was incomplete and is now complete with NH heritage information. Elevation of site and building is driven by the height of the septic and the need to drain into the system from the building. Landscaping was reviewed. Mitchell stated that it should either be installed prior to issuance of a Certificate of Occupancy (“CO”) or it should be bonded for the entire cost prior to issuance of the CO. Sidewalk discussion was reviewed and the recommendation of Rueben Hull for wider easement and 60-foot right-of-way was conveyed to the Board. Garvey stated that the wider road was in lieu of contribution. Meserve and Price disagreed with this assertion. Price did not remember expansion to be in lieu of sidewalk provision. Meserve understood the wider right-of-way to be related to the road deterioration. Review of calculation was presented. Discussion with Hull was not in public planning board meeting. The Board reviewed the planner’s calculation using past applications which were based on \$13.00 / foot and \$2,000.00 per lot for residential subdivision. Price acknowledged that this was commercial and different but the impact was still there and there should be a sidewalk or a contribution. If they are not going to be constructed on the site they need to be offset with contributions so that in future the impact can be mitigated. The per lot payment plan was reviewed and discounted due to the fact that it had not been done before and other collections occurred at the beginning as a condition precedent to the construction. Meserve reviewed the \$16.00 cost per foot as the current cost at a rate of over \$10,400. There was a discussion regarding the cost vis-à-vis sheet drainage and lack of curbing. Meserve said by allowing the developer to engage in sheet drainage was a benefit to the applicant. If sidewalks were to be constructed, new drainage, curbing would be installed and drive up costs. 650 feet of roadway was considered as the basis for the calculation. The rate was

determined based on single-sided sidewalks. The cost would be based on curbing (both sides) and one sidewalk. Hayden inquired as to the current rate for sidewalk construction. The \$13.00/foot was from a 2005 approval. Meserve stated \$16.00/foot was the current reasonable “going rate”.

Garvey stated that the subdivision was approved without them. Meserve stated that does not reflect the discussion in the minutes. Hayden stated that he is not aware of an application where sidewalks were not required on the site or where a contribution was offered in lieu of this construction. Garvey offered that the \$13.00/foot was acceptable. Meserve stated that \$16.00/foot is current and would result in \$10,400.00. Hayden feels the contribution and amount is not unreasonable and has always been done. Meserve asked if we were going to change this. August of the ZBA stated that Co-Ed built sidewalks as part of their facility and reflects the policy of the Town regarding the sidewalks. Meserve described the history where Scanlon did not require sidewalks, Bernier gave a contribution, Mr. Falzone made an in lieu of payment of \$25,000 for Overlook Drive and Co-Ed predates this, which also coincides with the Town’s allocation of funds toward the sidewalk projects and plan to install along 108 and down Main Street, a portion of which is now done. Given this, Hayden expresses disbelief and is uncompelled by the evidence that any discussion ever took place indicating that this approval and project would not be responsible for sidewalk installation or an in-lieu of contribution. Meserve moved that the Site Plan is approved and that \$10,400.00 be placed in the sidewalk fund and that this contribution is only for the first 650 feet of roadway. The hours of operation were reviewed and 5:00am to 10:00pm were agreed to with lights off by 10:15pm with very few lights for security left on overnight. Meserve and Hayden reviewed the need to insure that no glare would be splashed onto the roadway. Garvey stated that septic was forthcoming and would need to be completed before a building permit.

Price requested clarity regarding signage. Garvey reviewed free-standing sign and on-building sign. Garvey stated he reviewed signs with Mitchell regarding height, building, area, etc. Price inquired regarding the free-standing and the second tenant. Garvey stated no additional signage would be provided for the second tenant on the free-standing sign. Signage would be provided on the building. Hayden confirmed that no additional signage on free-standing for 2nd tenant. The rest of small signs have Dunkin-Donuts but have directional arrows. Salema corrected Garvey that a small area would be left for the second tenant on the free-standing sign. Much discussion occurred regarding the blow-up banners and cups and other promotional items and whether they would be requested or allowed. There was an extensive exchange regarding the vision for this gateway into Newfields and that this issue needed to be addressed right now to prevent the explosion of these items from one site to all other sites in Town. Notice for the owner is usually far in advance. Mitchell stated that signs are always a concern and that getting it on the site plan now is a good idea because it allows for consistent enforcement and mutual understanding on the matter.

Salema discussed signage options and requested input from the Board. Price suggested square, Hayden concurred. Double post with sign in middle was suggested. Meserve read the ordinance into the record. The issue of lighting came. Meserve inquired as to how signs are going to be handled. Price requested additional options to find a mutually acceptable sign. Garvey suggests a process whereby the applicant will bring in sign options after the approval but prior to the start of construction on the site. Board concurs with this requirement. Garvey agreed and said several options would be presented. Banners and additional signage other than banners was not approved at this time. Hayden concurred. Hayden asked if this was a condition. The Board reviewed the list of conditions. Meserve asked Mitchell about a waiver for parking in front of building.

Hayden moved to grant waiver to allow 7 parking spaces in the front of the building.

Second: Price

Vote: Unanimous

Meserve questions timing of site plan and subdivision. Mitchell stated no site plan can be finally approved without a completed subdivision since the lot will not technically exist. The issue of the light arose. Mitchell suggested that 1000 watt light is too bright and that this would cost the Town \$500.00 a year. Hayden requested a more appropriate light. Hayden inquired as to the problem with overly bright lights and Mitchell stated that bright lights create extreme gradients or shadows thus allowing nefarious characters to skulk. Hayden felt that 1000 is too bright and that 500 would be sufficient. Price suggested that such a bright light would attract football games and skateboarding. Timing was an issue and it was understood that this was a security light that needed to be on a photocell. Motion sensing was not an issue because timing was the issue and not motion. Mitchell requested of the applicant to state for the record that the drainage, as designed on this plan, accommodates the proposed construction across the street. The board reviewed the conditions. 1) Sign to be approved, 2) Septic final design, 3) Banners for special promotions only, no other promotional devices,

Subdivision Recording was discussed;

1) Sidewalk contribution was to be submitted prior to signing of the Mylar since it is a part of the approval, 2) Mitchell would have a development agreement for the subdivision plan and road construction.

Landscaping:

3) Must be constructed or bonded prior to Certificate of Occupancy.

Hayden directed Mitchell to draft a letter to Shaw specifically requesting the inspection of landscaping prior to issuance of CO.

Price Moved: Approved the site plan pending the following conditions:

1. Signing of the subdivision Mylar.
2. Septic Plan submitted and approved.
3. Store mounted banner is approved but no other outside advertising is permitted without a letter to the building inspector.
4. Final signage to be approved by the Board.

Sidewalk money and bonding for road is part of the subdivision which was covered by condition item number 1. Price stated that the subdivision plan would not be signed unless the bond is in place. Garvey requested the timing of the signatures as to who signs the Mylar. Meserve said once a Mylar is in townhall it takes a week and a half. Hayden stated we did not allow signatures outside the meeting process. Meserve stated that we should close this motion prior to this issue.

Second: Hayden

Vote: Unanimous

Meserve requested motion on Mylar.

Hayden moved that the subdivision Mylar be allowed to be signed outside the meeting in this case.

Although this was normally not the process we engage in, provided an extenuating circumstance exists we could depart from that practice, to sign outside the meeting with a minimum of three signatures.

Price would not sign without reviewing the Mylar with the planner.

Hayden revised the motion to include a pre-requisite that the planner review the Mylar.

Second: Price

Vote: Unanimous

Price requested clarification on the sign condition. Garvey stated he would bring back the sign options for the board's review prior to installation.

Mary & James Vienneau, 12-lot subdivision

Meserve clarified that the drawings handed out were received in Town Hall on the prior Thursday, the 12th. Mitchell affirmed. Meserve stated Civilworks comments were received this

night. Meserve also reviewed a letter sent by Mr. Vienneau. Meserve read the letter into the record. The letter is attached and incorporated herein – read into the record by the Chair. Meserve stated the applicant’s letter indicates that no further studies will be paid for. Meserve suggested a vote on the plan. If the applicant is stating that all information is present, then the Board should vote. Meserve questioned whether more testimony is worth reviewing since the applicant is stating they will not submit more information and the information submitted is not sufficiently engineered. Meserve said it is clear that more review is needed and more money will be spent since the plans are not sufficient for approval or even determination of compliance. Battles requested a chance to address the Conservation Commission’s letter. Battles wanted to clarify. Meserve was trying to talk about the procedure. Battles interjected that he had received a letter. Meserve stated he received a letter. Battles interjected that he received a letter from Conservation and this was a public hearing and he had a right to speak. Meserve stated he received a letter. Battles again stated that he received a letter and this is public hearing for his applicant’s application and he stands on his rights to address that. Meserve indicated that he could proceed. Battles testified about a meeting of the Conservation Commission with Dan Balfour of Jones and Beach and the applicant. Battles stated that he, himself, was not present. Battles stated that the Conservation Commission asked the applicant to leave the meeting. Battles stated that this was done at a public hearing and stated that the Conservation Commission stated “we will not deliberate with your presence” and they were asked to leave. Battles stated that the Conservation Commission was not in compliance with the right to know law and that he wanted this “on the record”. Battles stated that there were no major problems with the request. Battles stated he has been before the Board since February and has been trying to cooperate. Meserve halted the testimony. Meserve took exception to the inference that the Board is somehow responsible for the delay in this process. Battles interjected again to ask if he would get a chance to speak. Meserve stated he wanted to clarify that the Board has also been here and working with the applicant to review this application. Battles stated that he appreciated that. Price stated that one month was delayed because the information on the plan reviewed by Civilworks was wrong. Battles said the statement that the plans were “wrong” is incorrect. Battles said he wanted to get done with the Conservation letter and that we could move on if that was acceptable. Battles reviewed the request for a review of the wetlands issue. Battles pointed out that the wetlands delineation were done by Gove Environmental and they are certified and acceptable to the Board. Battles handed out a letter from Chris Albert, Jones and Beach who states in the letter that the delineation was properly done. So there has been two wetland scientists who have looked at it and DES makes a third. Meserve asked if the Gove report includes alternatives for impacts. Meserve does not dispute the delineation. Battles and Alison Watts engaged in discussions that were not clearly in the microphone. Battles took exception to the Conservation Commissions process and stated that there is a right-to-know law in the state and that they can be present. Alison Watts was not in attendance of the June Conservation Commission meeting and apologizes if in fact that did happen.

Watts stated that the Conservation Commission does not dispute the delineation but that the plan does not address the impacts. This is different than the actual delineation but focuses on how the wetlands will be impacted. Watts was requesting a review of how the development will impact the wetland resources in accordance with the ordinance. Meserve states that the plans still do not show the clear justification of the 12 lots under the density calculations and that we have been waiting for acceptable engineering drawings that show this density. Without this, it is difficult for the Conservation Commission to review other options. Meserve stated that the Board must be able to assess the alternatives. Battles states he is not happy with this review. Battles states that he is not happy because he has a reputation and he is going to put blame on both sides. He said that some plans were not submitted timely and some reviews were not timely. Every time he comes here he gets a letter the same day he appears before the board. Meserve states that the plans were received last Friday. Battles states that he understands it was six days ago. Meserve states that it is four working days and that is admirable. Meserve stated that this was the same as last month in terms of plan submittal and turnaround on the comments and that the comments were considerable. Battles wants to resolve the Conservation Commission issues. Battles reviewed the impact to wetland soils is 10,000 square feet and the disturbance to buffer is one half acre. Battles stated that the location and footprint is sound. The road has been moved and redesigned to utilize uplands and still provide considerable area under conservation. Battles understands that density may need to be addressed but that the design was ok and wanted the consensus of the Board that it was ok. Meserve stated that we have looked at this layout and given you waivers on cul-de-sac design but made it very clear that this is all premised on engineering review and ConCom. The concerns are now related to wetlands impacts. Meserve stated that this is not like any other development in town reviewed. The wetlands impacts are a significant issue. Battles stated he is frustrated and is trying to resolve this and that a sitewalk has occurred. Battles feels that the escrow account and engineering reviews are significant and suggests that if there is going to be a review of the wetlands and that if the delineation is correct that he should not be charged. Watts and Meserve reiterated that the issue was not the delineation of the actual wetlands but the assessment of the impacts to the resource by the development. Watts again stated this was not an issue of delineation but that the impact to the buffers and soils would cause impacts to the wetland resources as found in the ordinance. Watts reviewed the plan colored by the planner and showed the nature and extent of the impacts. Watts indicated that the roads are cutting through the buffer and that relocating the road would minimize impacts. The wetland in the middle is completely surrounded by impacts. Detention ponds are in the buffer. The design should try to preserve and protect these resources. Watts stated that she understood part of the reasons the Prime Wetlands did not pass was because the town ordinances were sufficient to protect these resources. Watts stated that this plan violates the wetlands ordinance due to the impacts to the buffers. Watts believes it violates the spirit of the ordinance. Meserve requested clarification from the planner on the wetlands conditional use

permit. Mitchell stated he reviewed past applications and there was only one impact so there were no examples of one development with multiple impacts upon which to base his guidance. Mitchell was unable to conclude whether it was one permit with multiple issues or multiple permits. Meserve stated that this is the most significant wetland impact he has seen and that ConCom wants to see if this development can be reviewed to determine if this is the least impacting layout. Watts wants the Board to know how the wetland resources will be impacted so that they understand the nature of the impacts if approved. Meserve stated that this is a tough piece of land to develop. Other applications have little impact. Price requested clarification on the road layout versus previous plans. Meserve questioned the nature of some uplands being considered for density calculations since they were inaccessible. Ring stated that there were some conflicts in the ordinance related to the contiguous land and wetlands permits were not required prior to approval. 11.7.3.2 was reviewed and questioned regarding areas that are included in the baseline density. Meserve stated that he has asked for three months now how some land was included. Meserve stated that there was a need for several conditional use permits. Ring stated that the 75 foot waiver was so the road could be moved out of the buffer. Meserve stated he realizes that but that now there is a house in that location. Ring stated the density is on sheet A1. It has been on the plan for two months. Ring assumes it is ok because it is not on their list of 17 comments. Battles suggests that Civilworks should be here. Meserve stated there is no way to have Civilworks here since no more money is available. Vienneau stated that he wrote the letter because the same discussions and reviews were being repeated and were redundant. Battles told Meserve to understand that a great deal of expense has been made and that this was a matter of frustration and Battles told Meserve not to make any more of it than that and Battles wants the record to reflect that. Meserve stated that if we cannot give conditional use permits for these crossings then there is no further need for engineering review. Meserve stated that he does not want to spend any more of the applicant's money but these issues must be reviewed. Meserve is not convinced that these impacts to the wetlands comply with the ordinance and that based on what is before the board right now that he cannot vote to approve. Meserve stated that we made it very clear that this was a wet parcel in the beginning and that it would be difficult. Meserve stated he felt it would be expensive to construct this road. Battles stated that cost was not an issue for the Board. Ring stated the road layout has not changed since the start. Price stated that these issues have been raised recently with the formal application. Meserve stated that there are significant impacts to the buffer with roadways and detention ponds. Meserve feels it is going to be tough to get a road in there and that if you want to pursue this and spend money then that is your decision.

Meserve stated that the sidewalk fund allocation is a matter of concern. Battles requested clarification on the sidewalks. Price stated the road design requires curbs and sidewalks. Battles stated that the applicant is not going to walk away at this stage. Battles stated that Civilworks has made comments and Ring needs to address these comments. Battles requests that far in advance the engineers should sit down and resolve these issues and that the applicant should sit

down, in an open session with the Con Com, and review the issues and what should be reviewed and move forward. Watts stated that NH DES will only review the soils impacts and that the town is concerned with soils impacts as well as buffers. Battles stated the Prime Wetlands was rejected and that we are going to deal with the current ordinance. Meserve suggested that everyone look at the Wetlands Ordinance and that all should review the findings that must be made to grant each and every impact to the soils and wetland buffers. Meserve is concerned about the economic advantage alone being the problem provision with not one but six crossings. Battles stated that he has a concern about this being raised now. Meserve took exception to this comment and that the Board has been up front about these concerns and that the engineering problems have delayed the processing of the application. Ring stated the watershed plans were wrong not the overall plans. Meserve stated that the applicant requested 3 waivers but no conditional use permit. Meserve stated that he had not heard of a request for the conditional use permits. Ring felt it was one permit. Meserve stated that the issue is how each crossing must be addressed against the requirements of the ordinance particularly with respect to the economic advantage criteria. Ring stated that health and safety is also important and that text addressing these issues would be created for the next meeting. Ring stated the loop is important for safety. Ring stated again that there is one conditional use permit with sub-components. Meserve asked the planner for help. Mitchell stated that you should look to past practice. Meserve stated that there has never been one with multiple impacts. Meserve stated that his concern is the economic advantage is driving this application. Battles stated the issue is “not alone”. Ring stated if you add all the buffer they are only impact 10%. Price questioned that if you build a road across the ocean it would be reasonable because a small area is impacted. Ring and Battles objected.

Rebecca Watts questioned about the precedent of this approval. Meserve stated that if we are not going to spend more money we should vote now and he was not inclined to approve. Battles stated that he is requesting an opportunity to address these concerns and continue the process. Battles stated that if you feel that this cannot be done then give me a vote tonight and let me go to Superior Court. Meserve stated that if you want to go forward we cannot stop that. Meserve stated that we need some wetlands review. Watts suggested an assessment of what the impact to the wetlands would be. Battles wants specifics and the letter is general. Battles wants to be sure all issues are addressed. Watts suggested that the issues are general because they are not wetlands scientist. The next meeting is very close to the Planning Board meeting. Battles does not want a round robin. Price wants to know if Gove can meet with someone from Town to go over issues of concern to get specifics of review. Battles suggests between now and next meeting he will get resolved on engineering with Civilworks. Battles wants this to stop in terms of timely reviews. He will assure that his team provides information in time to give Civilworks more than 6 days to respond and a full review with a letter in advance so no emails have to come the night of the meeting. Mitchell suggests a date because he has a problem being able to get comments out in 48 hours. Battles concurs. Price questions what the date should be. Mitchell states that some towns set it at 15 days, the same for initial notice in the statute. That is what the

statute requires for adequate notice. Ring suggests July 1st. Battles wants comments back in time to review before the meeting. Meserve states that comments are already completed. Conservation issues will have to wait because they meet after. Watts suggests that Conservation Commission is able to have a dialogue. Battles wants to have it be a meeting, presentation, discussion and then time to address concerns. Battles states that it is his job to assure processes are met. Battles understands that there may not be agreement but we need to have the process. Watts wants to know what Gove will provide. Battles just wants to know what the Conservation Commission wants Gove to address. Battles will then discuss the options and financial issues with his client and if his client is fine we will move forward and if not, the ballgame is over. Watts wants to know if the design will change for roads. Battles says no, he will not change until he knows what the Conservation Commission wants. Battles has not heard what the concerns of the Conservation Commission are. Price feels that Watts suggested that removing impacts from the wetlands buffer are their issues. Battles states that he wants to hear it from the Conservation Commission. Meserve requests clarification on the escrow. Mitchell suggests that we stay on the wetlands issue. Mitchell states that since we are working well together, we should begin discussing the exact language of the ordinance and try to predict the concerns that will arise and therefore provide some review on these matters. Mitchell suggested that the Board will be concerned with the alternative route clause and requirement in the ordinance. Mitchell suggests that the question for the Board when reviewing the location of the road and other improvements in the buffer will be have you, the applicant, considered an alternative route for these facilities that are less impacting to the buffer. Mitchell states that at the first meeting he stated that the concern for this application will require a review of where the roadway is in terms of the buffer and that it looked to him like the road could be shifted outside the buffer. Battles interjected. Unintelligible overlap. Mitchell stated he tried not to interrupt during the proceedings and requested the same courtesy and that he has several questions he must answer from the Board. Mitchell went on to review the fact that the drainage facilities are in the buffers and that the Board would have to engage in a similar alternatives analysis with respect to these facilities to determine if there was another way to locate these facilities. If we need to go through it right now, then we should because it would help the applicant and the Conservation Commission review their concerns and discover that these are the Board's concerns since it is the planner's jobs to illuminate issues for the Board so that they are aware of and can identify their own concerns. The issue about the number of conditional use permits is not there, the issue is that you must assess each impact within the context of the overall site. Each impact is independent and must be reviewed independently as well as in the overall context of the entire impact to the wetlands on the site since each wetland impact is different in nature. The other question relates to the permits on the open space ordinance for including non-contiguous areas in density calculation. Mitchell stated he raised this issue early and stated that it was a cart before the horse kind of issue and that you cannot grant permits for people to access areas they have no intent to use. The confusion is whether you can get a permit for something you are not planning on doing.

Mitchell proceeded to describe the wetlands impact starting at the entrance. Mitchell then stated that one issue relates to the impact of the aprons on the wetlands permit filing. He requested clarification on whether these had been included and wanted a letter to that affect. Ring stated that they calculated the impact and it included these in the impact. The only issue Ring felt was excessive relates to the issue of riprap and sizing. The standard for the Greenbook is 10 years storm and 25 year storm, as requested by Civilworks would double the impact size, thus increasing the impact. Ring wants to keep them smaller to minimize impacts. Mitchell went on to review drainage structures, swales, facilities, roads and other impacts to wetlands and buffers and suggested that it would be helpful to understand why this design configuration has been selected in light of the wetlands impacts shown. Mitchell suggests that the ordinance suggests that crossings, perpendicular are contemplated and not parallel crossings as shown on the plan. Battles suggested moving the road. Mitchell stated he did not want to design the site but that he was more trying to get the Board to understand and receive, from the applicant, an insight into what alternatives were considered and why this plan is put forward. Mitchell highlighted the appearance of the drainage swale in the center of the loop which appeared following Civilworks comments and now results in the wetlands being entirely impacted on all sides. Mitchell stated there is no remaining functional buffer and will likely die. Battles stated that it is shut off. Ring stated that Mitchell is not a wetland's scientist. Mitchell stated that this is why we are asking for an assessment of the impacts because we have to review this based on our knowledge and without the benefit of a wetlands consultant to review this. Meserve stated that if this is what you want to present and then not help us review the plans this way then we have little choice but to act on the plan right now. Ring suggested that the drainage structure has to be at the lowest point. Price stated that that doesn't mean that the impact is acceptable. Ring stated that he understood that. Ring stated that is the reason they are where they are. Battles pointed out the rain gardens. Meserve asked about any more information. Mitchell stated that this was not his review but his discussion about what the Board needs to consider in terms of going through the process of determining the wetlands impacts. Battles requested a copy of the colored plan produced by Mitchell. Mitchell stated that it was not precise, he used highlighters and the plans and a scale. Ring stated that he could produce such a plan. Meserve asked Ring if in the development of the layout an overlay of the wetlands and buffers was used. Ring stated they did not do that analysis to that level of detail. Ring stated he would deal with it. Ring stated that the road agent was fine with the plans.

Battles stated that they identified two abutters who should have their wells tested and they are the Doane's and Wayne and Cindy Hall. Battles stated that this needed to be done before construction and blasting as a benchmark for the eventual construction to assure that if something happens it can be compared to the benchmark. Homeowners documents were provided but did not know where that was at. The documents have not been provided to Town Counsel. Battles wanted this to be done as soon as possible. Mitchell suggested that these documents could be copied directly to Fran and Mitchell will engage Lane on these items.

Meserve suggested that the escrow will likely be drained with this review and not include Lane's review. Battles said he will have a discussion with Sue about that and review the matter with his client about a decision to keep the account current. Ring asked if the application was continued to a date specific. Meserve requested a motion:

Price Moved to continue to July 17th, 2008.

Second by Hayden.

All in favor – unanimous

Preliminary Discussion: Case

Ring was asked to return with a new plan. Ring understands that there is a history. Some is the same as last time with lot density based on aerial topo and aerial wetlands is the same at 16 lots. Ring shows the 16 lot layout. Ring stated the Board would not grant a waiver for a long cul-de-sac at this location and that the Board was concerned that the road was really steep. Ring described changes for the road to show it is 650 feet and reasonably buildable with an 8% grade. Price stated he had seen this. Price stated that there was not enough space to allow for people to stop. Ring stated that there is 3% and is long enough for safety. What affect does the topography have on the roadway and design. The worst part is the entrance and the flat part is at the top. Price was concerned with the length of the roadway. Price feels there is no support for the waiver. Ring stated that the property is not wide enough to allow for a loop. Price stated that the landowner created that issue and had other alternatives to address this concern before but did not take those alternatives. He created the issue and that does not justify the Board to waive the regulations for the purpose of a self-imposed situation. Battles inquired as to what was too far. Price stated that twice the distance of the limit is too far. Hayden concurred in that it is excessive. Battles stated that driveways can overcome the limit. Hayden stated that such a long driveway does not necessarily address the safety concerns upon which the ordinance is based. Ring inquired whether a long driveway was a problem. Hayden is not specifically stating that a long driveway is bad, but that approving a one access road with a long driveway does not necessarily solve the issue. Ring suggested that a driveway has fewer chances for an incident due to its low count. Battles states that to make it economically feasible the road must be longer than 650 feet and he wants to make it longer to provide options. Price is not comfortable to discuss a range or a number. Meserve stated that regulation was studied and looked at recently and without a loop there was a concern. Mary August stated that the location of the proposed road and Halls Mill Road would create a conflict because of the closeness to the Road and glare during the winter. Meserve reviewed his status as in the neighborhood but not a direct abutter. He stated he would step down during formal proceedings.

Battles and Ring thanked the Board and departed.

Other Business

The Board reviewed a letter from the state regarding a very small parcel of land being sold to the landowner at Route 85 and Route 108

John Hayden representing Barbara Hayden at Route 108 and Route 85

Mr. Hayden reviewed his driveway access locations and is not proposing to develop, he just wants to make sure that the board is aware of the access points since activity around the site might conflict with these access points and the board should be aware that future development or use for this land should be protected in the Board's future deliberations on any development in the area. A very extensive history of this area was reviewed regarding the state taking, the settlement process and the Town's, the landowners, and the abutters proposals for the vicinity.

The relocation of the roadway impacted this parcel and these access locations are a critical aspect of the settlement with the state on these parcels. The Board and Hayden discussed several options and access locations in a general sense and thanked Mr. Hayden for bringing these issues forward for the Board's understanding so that they can insure that all property rights are protected in future planning and permit processing.

The Board wanted to make sure that the NH DOT was aware of the access points and the Board would make sure any request that comes forward is reviewed very carefully.

Discussions about options were reviewed without any conclusions or decisions.

Other Business: Sidewalks

Meserve really really wants some sidewalks. Meserve informed Mitchell that he needed to get on the ball with this issue. Meserve discussed locations, design options etc with particular focus on the Route 87 to the west from the school down.

Meserve asked several dozen questions regarding sidewalks and stated that he felt the current conditions are dangerous. The Board agreed and decided this would be an issue going forward. Mitchell would look into Safe Routes to School program. Mitchell stated these grants were competitive but that having match money was good and he would come back to the board with information.

A gentleman yelled at the Planning Board about the lunacy of building sidewalks and told them no one would maintain them and that they were being ridiculous.

A motion was made by Mike Price and seconded by John Hayden to adjourn. All were in favor.

